

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORLANDO MINO HERNANDEZ, et al.,
Plaintiffs,

v.

LIRA OF NEW YORK INC., et al.,
Defendants.

20-CV-4457 (DEH)

ORDER OF DISMISSAL

DALE E. HO, United States District Judge:

On May 8, 2023, CSM Legal, P.C., requested permission to withdraw as attorneys for Plaintiff Rafael Basurto Gomez (“Gomez”) due to his “fail[ure] to cooperate with the prosecution of this matter.” ECF No. 144. The Court granted that application and further ordered that if no counsel for Gomez were to appear by May 30, 2023, Gomez would be deemed as proceeding pro se. ECF No. 146. No counsel for Gomez appeared by the stated deadline; accordingly, Gomez has been a pro se litigant in this case since May 30, 2023. Notably, Gomez “has not participated in this case at all since CSM Legal, P.C. withdrew as his counsel, and his current whereabouts are unknown.” ECF No. 172.

On February 7, 2024, counsel for Plaintiffs Orlando Mino Hernandez, Osmel Ruben Sosa Najera, Jose Luis Mendez, Miguel Miranda, Rosalio Perez, Angel Geovani Ramos, and Palemon Benito Antonio (the “CSM Plaintiffs”) advised the Court that, with judgment against Defendants now fully paid and satisfied (ECF Nos. 169, 171), all “claims [by the CSM Plaintiffs] against Defendants have been fully resolved.” ECF No. 172.

Given the above, it is hereby ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the

action **within thirty days** of the date of this Order. If Gomez does not ask for the action to be restored within thirty days, his claims will be dismissed for failure to prosecute the case.

To be clear, any application to reopen must be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis. Further, requests to extend the deadline to reopen are unlikely to be granted.

If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Per the Court’s Individual Rule No. 7, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to close the case.

Counsel for the CSM Plaintiffs are directed to serve a copy of this Order on Pro Se Plaintiff Rafael Basurto Gomez at his last known address by **February 13, 2024**, and shall file proof of service by **February 16, 2024**. Service shall include a Spanish translation of the Order.

SO ORDERED.

Dated: February 9, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Dale E. Ho', is written over a horizontal line.

DALE E. HO
United States District Judge